

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES H. DONELL, PERMANENT
RECEIVER FOR GLOBAL EXPRESS
CAPITAL REAL ESTATE INVESTMENT
FUND I, LLC,

Plaintiff,

vs.

CANYON LENDERS, LLC, a Nevada
limited liability company; FIDELITY
NATIONAL TITLE AGENCY OF
NEVADA, INC., a Nevada corporation;
AMERICAN EXCHANGE, INC., a Nevada
corporation; PERPETUAL
INVESTMENTS, INC., a Nevada
corporation; ROBERT E. RIPPE,
Individually; and HOMEOWNER
ASSOCIATION SERVICES, INC., a
putative corporation,

Defendants.

PERPETUAL INVESTMENT, INC., a
Nevada corporation; ROBERT E. RIPPE,
Individually; and AMERICAN
EXCHANGE, INC., a Nevada corporation,

Cross-Claimants and Third Party
Plaintiffs,

vs.

FIDELITY NATIONAL TITLE AGENCY
OF NEVADA, INC., a Nevada corporation;
and CONNIE FARRIS, Individually,

Cross-Defendants and Third Party
Defendants.

CV-S-04-1071- KJD-LRL

ORDER

1 Presently before the Court is Defendant, CANYON LENDERS, Motion to Dismiss
2 (#107). The Court has also read and considered the opposition (#115) and the Reply
3 (#121).

4 ANALYSIS

5 _____CANYON LENDERS' Motion is based on the alleged failure of Plaintiff to name a
6 number of parties. Those "parties" are the former beneficiaries of the Second Deed of
7 Trust. CANYON LENDERS, which was not a beneficiary of the Second Deed of Trust
8 acquired title to the property at a Trustee's Sale on March 27, 2003, by using a credit bid
9 with no cash consideration. CANYON LENDERS later transferred the property to another
10 entity.

11 Until such time as the Court rules that the Trustee's Sale is void, Defendant's motion
12 is premature. Accordingly, Defendant CANYON LENDERS' Motion to Dismiss (#107) is
13 **DENIED** as premature.

14 _____DATED this 24 day of March 2006.



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17 Kent J. Dawson
United States District Judge
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